

# Notice of Allowability

Application No.

10/088,876

Examiner

Gyan Chandra

Applicant(s)

BROWN ET AL.

Art Unit

1646

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/4/2007.
2. ☒ The allowed claim(s) is/are 1, 5-10, 13, and 18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



GARY B. NICKOL, PH.D.  
SUPERVISORY PATENT EXAMINER

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Polster on 5/15/2007.

The application has been amended as follows:

Replace the title with:

#### **Soluble Secreted $\alpha_2\delta$ -2 Calcium Channel Subunit Polypeptide**

The following claims have been amended:

Replace claim 1 with:

An isolated calcium channel  $\alpha_2\delta_2$  subunit wherein:

- (a) it is soluble and retains the functional characteristics of the full-length human  $\alpha_2\delta_2$  subunit from which it derives;
- (b) its  $\delta_2$  peptide has a C-terminal truncation with respect to the full-length human  $\alpha_2\delta_2$  peptide, wherein said C-terminal truncation consists of SEQ ID NO: 4, SEQ ID NO: 5 or SEQ ID NO: 6; and
- (c) its  $\alpha_2$  peptide comprises at least the ligand-interacting part(s) of the full-length human  $\alpha_2\delta_2$  peptide from which it derives.

Replace claim 5 with:

A calcium channel  $\alpha_2\delta_2$  subunit according to claim 1, wherein the  $\alpha_2\delta_2$  subunit is expressed in the cerebral cortical.

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Replace claim 6 with:

A calcium channel  $\alpha_2\delta_2$  subunit according to claim 1, wherein the  $\alpha_2\delta_2$  subunit is voltage-dependent.

Replace claim 7 with:

A calcium channel  $\alpha_2\delta_2$  subunit according to claim 1, wherein the  $\alpha_2\delta_2$  subunit is cleaved.

Replace claim 9 with:

A calcium channel  $\alpha_2\delta_2$  subunit according to claim 1, wherein the  $\alpha_2$  and  $\delta_2$  peptides are disulfide-bridged.

Replace claim 13 with:

A calcium channel  $\alpha_2\delta_2$  subunit according to claim 1, wherein said calcium channel is produced by a baculovirus/insect cells expression system.

In claim 18

"characterized in that" was replaced by --wherein the --

The following claims have been cancelled:

Claims 11-12 are cancelled.

Claim 14 is cancelled.

Claims 19, 20, 22, 35, and 54 are cancelled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gyan Chandra whose telephone number is (571) 272-2922. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol can be reached on (571) 272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gyan Chandra, Ph.D.  
Art Unit 1646  
19 May 2007  
Fax: 571-273-2922



GARY B. NICKOL, PH.D.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600